

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ON SEMICONDUCTOR CORP. and )  
SEMICONDUCTOR COMPONENTS )  
INDUSTRIES, L.L.C., )  
Plaintiffs, )

v. )

SAMSUNG ELECTRONICS CO., LTD., )  
SAMSUNG ELECTRONICS AMERICA, INC., )  
SAMSUNG TELECOMMUNICATIONS )  
AMERICA GENERAL, L.L.C., )  
SAMSUNG SEMICONDUCTOR, INC., and )  
SAMSUNG AUSTIN SEMICONDUCTOR L.L.C., )  
Defendants. )

C.A. No. 07-449 (JJF)

SAMSUNG ELECTRONICS CO., LTD., )  
SAMSUNG ELECTRONICS AMERICA, INC., )  
SAMSUNG TELECOMMUNICATIONS )  
AMERICA GENERAL, L.L.C., )  
SAMSUNG SEMICONDUCTOR, INC., and )  
SAMSUNG AUSTIN SEMICONDUCTOR L.L.C., )  
Plaintiffs, )

v. )

ON SEMICONDUCTOR CORP. and )  
SEMICONDUCTOR COMPONENTS )  
INDUSTRIES, L.L.C., )  
Defendants. )

C.A. No. 06-720 (JJF)

**ON SEMICONDUCTOR'S AMENDED FIFTH NOTICE OF  
DEPOSITION PURSUANT TO FED. R. CIV. PROC. 30(b)(6)**

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, ON Semiconductor Corp., and Semiconductor Components Industries, L.L.C. (collectively "ON Semiconductor") will take the deposition by oral examination of Samsung Electronics Co., Ltd.; Samsung Electronics America, Inc.; Samsung Telecommunications America General, L.L.C.; Samsung Semiconductor, Inc.; and Samsung Austin Semiconductor,

L.L.C. (collectively, "Samsung"). The deposition will commence at **9:30 a.m.** on **August 14, 2008**, at the offices of Jones Day, 555 California Street, 26<sup>th</sup> Floor, San Francisco, CA, or at such other time and place as counsel may agree, and will continue from day to day as necessary until completed. ON Semiconductor is willing to discuss with Samsung the convenience of this date for the deposition.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 30(b)(6), Samsung must designate one or more officers, directors, managing agents, or other persons who are most qualified, knowledgeable and competent to testify on its behalf with respect to each of the topics described in Schedule A. In addition, Samsung is requested to provide ON Semiconductor's counsel with written notice of the name and title of each witness who will testify on behalf of Samsung, and the particular topic(s) set forth in Schedule A as to which each such witness will testify.

The deposition will be taken before a notary public or other officer authorized to administer oaths under law, and will continue from day to day until completed. The deposition will be recorded by sound, video and/or stenographic means, and ON Semiconductor may use LiveNote. You are invited to attend.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP



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July 18, 2008

**SCHEDULE A**

**DEFINITIONS AND INSTRUCTIONS**

1. “ON SEMICONDUCTOR PATENTS” refers to the United States Patent Nos. 6,362,644; 5,563,594; 5,361,001; and 5,000,827, including any reexaminations.

2. “ON SEMICONDUCTOR PRODUCTS” refers to any accused apparatus, product, device, process, method, act, and/or other instrumentality that SAMSUNG asserts INFRINGE United States Patent No. 5,252,177.

3. “SAMSUNG,” “YOU,” and “YOUR” refers to Samsung Electronics Co., Ltd.; Samsung Electronics America, Inc.; Samsung Telecommunications America General, LLC; Samsung Semiconductor, Inc.; and Samsung Austin Semiconductor, LLC, their present and former directors, officers, employees, attorneys, accountants, consultants, representatives, agents, subsidiaries, divisions, successors in interest, any partnerships or joint ventures to which any of the foregoing are a party, and/or other persons acting on behalf of any of the foregoing.

4. “SAMSUNG PRODUCTS” refers to Double Data Rate (DDR) Synchronous Dynamic Random Access Memory (SDRAM) including, but not limited to, DDR SDRAM, Mobile DDR SDRAM, DDR2 SDRAM, GDDR SDRAM, GDDR2 SDRAM, and GDDR3 SDRAM, as well as any integrated circuits manufactured using cup plating systems. The “SAMSUNG PRODUCTS” include, but are not limited to, the following product designations: K4B1G0446C-ZC(F7/F8/H9), K4B1G0846C-ZC(F7/F8/H9), K4B1G1646C-ZC(F7/F8/H9), K4D261638, K4D263238, K4D551638, K4H1G0438A, K4H1G0638C, K4H1G0738C, K4H1G0838A, K4H2G0638A, K4H510438C, K4H510438D-ZC(L)B3/CCC, K4H510638E, K4H510638H, K4H510738E, K4H510738H, K4H510838C, K4H510838D, K4H510838D-UC(L)B3/CCC, K4H510838D-ZC(L)B3/CCC, K4H511638C, K4H511638D, K4H511638D-UC(L)B3/CCC, K4H511638D-ZC(L)B3/CCC, K4H560438E, K4H560438H,

K4H560438H-UC(L)B0, K4H560438H-ZC(L)CC/B3, K4H560838E, K4H560838H,  
 K4H560838H-UC(L)B3/CCC, K4H560838H-ZC(L)B3/CCC, K4H561638H, K4H561638H-  
 UC(L)/B3/CCC, K4H561638H-ZC(L)B3/CCC, K4N51163Q, K4N56163Q, K4T1G044QA,  
 K4T1G044QC, K4T1G044QC-ZC(D5/E6), K4T1G084QA, K4T1G084QC, K4T1G084QD-  
 ZC(D5/E6), K4T1G164QA, K4T1G164QC, K4T1G164QD-ZC(D5/E6), K4T2G044QM,  
 K4T2G084QM, K4T51043QC, K4T51043QE, K4T51043QE-ZC(CC/D5/E6), K4T51083QC,  
 K4T51083QE, K4T51083QE-ZC(CC/D5/E6/E7), K4T51163QC, K4T51163QE-ZC(CC/D5/E6),  
 K4T56043QF, K4T56043QG, K4T56083QF, K4T56083QG, K4U52324Q, K4X28163PH,  
 K4X51163PC, K4X51163PE-(1)(2)(3)(4), K4X51323PC, K4X51323PE, K4X51323PE-  
 (1)(2)(3)(4), K4X56163PG, K4X56163PG-(1)(2)(3)(4), K4X56323PG, K4X56323PG-  
 (1)(2)(3)(4), K5E1G131CA-D075000, K5W1G12ACD-DK75000, K7D161874B, K7D163674B,  
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 K7I161882B, K7I161884B, K7I163682B, K7I163684B, K7I321882C, K7I321884C,  
 K7I323682C, K7I323684C, K7I641882M, K7I641884M, K7I643682M, K7I643684M,  
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 K7K1618T2C, K7K1636T2C, K7K3218T2C, K7K3236T2C, KAG001002A-DJJY000,  
 KAL00X001M-AJYY000, M312L2820EG(Z)0, M312L2820HZ0, M312L2828ET(U)0,  
 M312L2828HU0, M312L2920CUS, M312L2920CZ0, M312L2920DZ3 -CB3/CCC,  
 M312L2923CUS, M312L2923CZ0, M312L3223EG(Z)0, M312L3223ET(U)S,  
 M312L3223HUS, M312L3223HZ0, M312L5128AU0, M312L5128AU1, M312L5620AUS,  
 M312L5623AUS, M312L5628CU0, M312L5720CZ0, M312L5720DZ3-CB3/CCC,  
 M312L6420EG(Z)0, M312L6420ET(U)S, M312L6420HUS, M312L6420HZ0,  
 M312L6423EG(Z)0, M312L6423ET(U)S, M312L6423HUS, M312L6423HZ0,

M312L6523CUS, M312L6523CZ0, M312L6523DZ3 - CB3/CCC, M368L2923CUN,  
 M368L2923DUN, M368L2923DUN-CB3/CCC, M368L3223ET, M368L3223HUS,  
 M368L3324CUS, M368L3324DUS, M368L6423ET(U)M, M368L6423ET(U)N,  
 M368L6423HUN, M368L6523CUS, M368L6523DUS, M368L6523DUS-CB3/CCC,  
 M378B2873CZ0-C(F7/F8/H9), M378B5673CZ0-C(F7/F8/H9), M378B6474CZ0-C(F7/F8/H9),  
 M378T2863AZ3, M378T2863CZ3, M378T2863DZS-C(D5/E6/E7/F7), M378T2953CZ3,  
 M378T2953EZ3, M378T2953EZ3-C(D5/E6/E7/F7), M378T3354CZ3, M378T3354EZ3,  
 M378T5663AZ3, M378T5663CZ3, M378T5663DZ3-C(D5/E6), M378T5763MZ3,  
 M378T6453FZ3, M378T6553CZ3, M378T6553EZ3, M378T6553EZA-C(D5/E6/E7/F7),  
 M381L2923CUM, M381L2923DUM, M381L2923DUM-CB3/CCC, M381L3223ET(U)M,  
 M381L3223HUM, M381L6423ET(U)M, M381L6423HUM, M381L6523CUM,  
 M381L6523DUM, M381L6523DUM-CB3/CCC, M391T2863AZ3, M391T2953CZ3,  
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 M392T6553CZA, M392T6553EZA, M393T1K66MZ3, M393T1K66MZA, M393T2863AZ3,  
 M393T2863AZA, M393T2863CZ3, M393T2863CZA, M393T2950CZ3, M393T2950CZA,  
 M393T2950EZ3, M393T2950EZ3-C(CC/D5), M393T2950EZA, M393T2950EZA-  
 C(CC/D5/E6), M393T2953CZ3, M393T2953CZA, M393T2953EZ3, M393T2953EZ3-  
 C(CC/D5), M393T2953EZA, M393T2953EZA-C(CC/D5/E6), M393T3253FZ3,  
 M393T3253GZ3, M393T5160CZ0, M393T5160CZ0-C(CC/D5), M393T5160CZA,  
 M393T5160CZA, M393T5160CZA-C(CC/D5/E6), M393T5166AZ4, M393T5166AZA,  
 M393T5168AZ0, M393T5263MZ3, M393T5263MZA, M393T5660AZ3, M393T5660AZA,

M393T5660CZ3, M393T5660CZ3-C(CC/D5), M393T5660CZA, M393T5660CZA-C(CC/D5/E6), M393T5663AZ3, M393T5663AZA, M393T5663CZ3, M393T5663CZ3-C(CC/D5), M393T5663CZA, M393T5663CZA-C(D5/E6), M393T5750CZ3, M393T5750CZ4, M393T5750CZA, M393T5750EZ3, M393T5750EZ3-C(CC/D5), M393T5750EZ3-C(CC/D5/E6), M393T5750EZ4, M393T5750EZA, M393T6450FZ3, M393T6450GZ3, M393T6453FZ3, M393T6453GZ3, M393T6553CZ3, M393T6553CZA, M393T6553EZ3, M393T6553EZA, M393T6553EZA-C(CC/D5/E6), M395T2953CZ4, M395T2953EZ4, M395T2953EZ4-CD5(50/60/20), M395T2953EZ4-CE6(50/60/20), M395T5160CZ4-CD5(50/60/20), M395T5160CZ4-CE6(50/60/20), M395T5750EZ4-CD5(50/60/20), M395T5750EZ4-CE6(50/60/20), M395T6553CZ4, M395T6553EZ4, M395T6553EZ4-CD5(50/60/20), M395T6553EZ4-CE6(50/60/20), M470L2923BN0 - C(L)B3, M470L2923DV0-CB300, M470L3224HU0, M470L3324CU0, M470L3324DU0, M470L6524CU0, M470L6524DU0-CB300, M470T2864AZ3, M470T2864CZ3, M470T2864DZ3-C(D5/E6), M470T2953CZ3, M470T2953EZ3, M470T2953EZ3-C(D5/E6), M470T3354CZ3, M470T3354EZ3, M470T5663CZ3, M470T5663CZ3-C(D5/E6), M470T5669AZ0, M470T6464AZ3, M470T6464CZ3, M470T6554CZ3, M470T6554EZ3, and M470T6554EZ3-C(D5/E6). The "SAMSUNG PRODUCTS" also include, but are not limited to, products and chips made using the following systems: Applied Materials, Inc.'s SlimCell system; Novellus Systems Inc.'s Sabre System; Semitool Inc.'s Raider ECD, Raider ECD 310, Equinox systems; Electroplating Engineers of Japan Ltd.'s Posfer System; and Semicon Science Co. Ltd.'s or SSC's plating system (collectively "Cup Plating Machines").

5. "SAMSUNG PATENT" refers to United States Patent No. 5,252,177.

6. "SAMSUNG PATENTED PRODUCTS" refers to any product manufactured, sold, or licensed for/to/by Samsung that Samsung contends is covered by the SAMSUNG PATENT.

7. "RELEVANT TIME PERIOD" refers to the time period from November 30, 2000 through and including the actual date of the deposition.

8. "RELATING TO" means concerning, referring to, describing, evidencing, or constituting.

9. "COMMUNICATION" refers to any transmittal of information in the form of facts, ideas, inquiries, or otherwise.

10. "DOCUMENT" refers to the usage of this term in Federal Rule of Civil Procedure 34(a), and is synonymous in meaning and equal in scope to this usage, including, without limitation, electronically stored documents, photographs, tape recordings, or other sound or visual materials, computer databases, computer tapes, and any other materials that are in your actual or constructive possession, custody, or control, as well as all prior drafts of the foregoing, and copies of the foregoing on which any mark, alteration, writing, or other change from the original has been made. A draft or non-identical copy is a separate document within the meaning of the term.

11. "PRIOR ART" means any patent, published patent application, publication, reference, apparatus, device, system, public knowledge, public use, sale, offer of sale, or invention relating to the subject matter of the claims of the SAMSUNG PATENT that is dated or may have occurred prior to any filing date for the SAMSUNG PATENT, related patents, and related applications, including but not limited to any system, method, apparatus,



device , publication, patent, or use which has been cited to Samsung by any person or entity as “prior art” to the SAMSUNG PATENT or any related patent or related application.

12. “INFRINGE” refers to, without limitation, both literal infringement and infringement under the doctrine of equivalents, contributory infringement, and inducement to infringe.

13. “ALL” refers to all and each, and “EACH” refers to all and each.

14. “AND” and “OR” refers to either disjunctive or conjunctive use as necessary to bring within the scope of the interrogatories all responses that might otherwise be construed to be outside of its scope.

15. The use of the singular form of any word includes the plural and vice versa.

16. Notice of deposition topics listed herein does not constitute any waiver by ON Semiconductor of any objection to similar deposition topics noticed by Samsung

#### **DEPOSITION TOPICS**

1. The dates and circumstances surrounding when SAMSUNG first became aware of ON SEMICONDUCTOR’S purported infringement of the SAMSUNG PATENT and the reasons explaining the delay, if any, between when SAMSUNG learned of ON SEMICONDUCTOR’S purported infringement and when SAMSUNG asserted the SAMSUNG PATENT in this litigation.

2. When and how SAMSUNG first notified ON SEMICONDUCTOR of the SAMSUNG PATENT.

3. SAMSUNG’S efforts to mark its products or to require its licensees mark their products as being covered by the SAMSUNG PATENT, including any steps taken by SAMSUNG to comply with any provision of 35 U.S.C. § 287.

4. All COMMUNICATIONS between SAMSUNG and ON SEMICONDUCTOR relating to the SAMSUNG PATENT.

5. An identification of all non-infringement theories relating to the SAMSUNG PATENT that anyone has brought to SAMSUNG'S attention or that anyone has otherwise relied on as a basis for non-infringement of any claim of the SAMSUNG PATENT or related patent, including the manner in which such non-infringement theories related to any claim of the SAMSUNG PATENT.

6. SAMSUNG'S sales and business activities in the U.S.

7. Pricing, including discounts and rebates, of the SAMSUNG PATENTED PRODUCTS sold or offered for sale in the U.S. since November 30, 2000.

8. Marketing polices, strategies, and practices for the SAMSUNG PATENTED PRODUCTS in the U.S. since November 30, 2000.

9. Sales of each SAMSUNG PATENTED PRODUCT sold in the U.S. since November 30, 2000, including but not limited to quantity sold, pricing, unit volume of sales, revenue, costs, profits, and margins.

10. SAMSUNG'S patent licensing practices, including without limitation any guidelines, policies, and procedures to license its patented technology or obtain licenses to non-SAMSUNG technology.

11. SAMSUNG'S attempts to license the SAMSUNG PATENT, including all offers to license or licensing negotiations relating to the SAMSUNG PATENT and an identification of all people with knowledge such offers and negotiations.

12. All license agreements relating to the SAMSUNG PATENT, including the date and terms of, and amount of royalties paid under, each such license.

13. The valuation of the SAMSUNG PATENT, including any communications relating to any attempt by SAMSUNG to sell or offer to sell the SAMSUNG PATENT.

14. The locations, types, and descriptions of documents recording information encompassed by the foregoing topics.

15. The identity and location of persons knowledgeable about the foregoing topics and documents recording information encompassed by the foregoing topics.

2415596

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on July 18, 2008 I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing(s) to the following:

Josy W. Ingersoll  
John W. Shaw  
Andrew A. Lundgren  
YOUNG CONAWAY STARGATT & TAYLOR


I also certify that copies were caused to be served on July 18, 2008 upon the following in the manner indicated:

**BY HAND AND E-MAIL**

John W. Shaw  
Andrew A. Lundgren  
YOUNG CONAWAY STARGATT & TAYLOR  
The Brandywine Building  
1000 West Street, 17th Floor  
Wilmington, DE 19801

**BY E-MAIL**

John M. Desmarais  
James E. Marina  
KIRKLAND & ELLIS  
153 East 53rd Street  
New York, NY 10022

A handwritten signature in black ink, appearing to read 'Richard J. Bauer', is written over a horizontal line.

Richard J. Bauer (#4828)